IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7945 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

A R DHAKAM

Versus

STATE OF GUJARAT

Appearance:

MR JJ YAJNIK for Petitioner

None present for Respondent No.2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 31/03/2000

ORAL JUDGEMENT

#. The respondent No.1 seems to be even not a proper party to the special civil application. The orders which have been challenged and relief which has been prayed is only confined against respondent No.2.

#. Having heard the learned counsel for the petitioner, I find prima-facie that the grievance made in this special civil application by petitioner is correct. Before his position in the seniority list in the feeder cadre would have been corrected, the persons, on the basis of incorrect seniority list who were shown senior to him therein, have been given promotion. After correction of the seniority list, in fact, the respondent No.2 should have undertaken the exercise to consider the case of petitioner for promotion with reference to the date from which his so-called seniors were given promotion. But it has not been done and the petitioner has to come to this court. The sole contribution of respondent is that even it has not cared to file reply to the special civil application. Not only this, when the mater was called out in second round today, nobody is present on its behalf.

#. The special civil application is disposed of in the terms that this writ petition be considered as representation of the petitioner in respect of the grievances made therein. The District Development Officer, Rajkot District Panchayat, Rajkot, shall decide the same within a period of one month from the date of receipt of writ of this order. In case the grievances of the petitioner are acceptable, the petitioner shall be entitled for all consequential benefits but where his grievances are not acceptable, a reasoned order be passed and a copy of the same be sent to the petitioner by registered post A.D. Rule and special civil application disposed of accordingly with no order as to costs. Liberty is granted to the petitioner for revival of this special civil application in case of difficulty.

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(sunil)